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Proposed Counsel for Debtor and Debtor-in-Possession,
Mr. Tortilla, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FERNANDO VALLEY DIVISION

In re:	)	CASE NO.: 1:24-bk-10228-VK
	)	Chapter 11
Mr. Tortilla, Inc.,	)	DEBTOR'S EMERGENCY MOTION FOR
	)	ORDER AUTHORIZING PAYMENT OF
	)	PRE-PETITION WAGES AND RELATED
Debtor and Debtor-in-Possession.	)	EXPENSES; MEMORANDUM OF
	)	POINTS AND AUTHORITIES;
	)	DECLARATION OF ANTHONY
	)	ALCAZAR IN SUPPORT THEREOF
	)	[LBR 2081-1 and LBR 9075]
	)	<u>Hearing Scheduled For:</u>
	)	Date: February 22, 2024
	)	Time: 2:00 p.m.
	)	Place: Courtroom 301 [via ZoomGov]
	)	21041 Burbank Blvd., 3 rd Floor
	)	Woodland Hills, CA 91367

1 **TO THE HONORABLE VICTORIA S. KAUFMAN, JUDGE OF THE UNITED**
2 **STATES BANKRUPTCY COURT, TO THE OFFICE OF THE UNITED STATES**
3 **TRUSTEE, SUBCHAPTER V TRUSTEE, TO SECURED CREDITORS, 20 LARGEST**
4 **UNSECURED CREDITORS, AND TO ALL INTERESTED PARTIES AND THEIR**
5 **COUNSEL OF RECORD:**

6 Mr. Tortilla, Inc., the Debtor and Debtor-in-Possession ("Debtor") hereby does move this
7 Court on an emergency basis for an order authorizing it to issue payments of pre-petition wages
8 and related expenses (collectively, "Employees' Compensation") for the payroll period of
9 February 12, 2024 to February 18, 2024 which payroll will be issued on February 23, 2024 (the
10 "Motion"). Debtor operates a food processing business. Its employees are an essential part of
11 Debtor's business and are necessary for the Debtor to provide its products to its vendors and its
12 direct customers. Failure to pay its employees on time, who rely on their paychecks to support
13 their families and pay their personal expenses, will hurt Debtor's reputation and will adversely
14 impact Debtor's operations.

15 **WHEREFORE**, the Debtor prays that the Court enter an order granting the relief
16 requested in this emergency motion, authorizing payment to its employees, and such additional
17 relief as the Court deems just and proper.
18

19
20 Dated: 2/20/2024

LAW OFFICES OF MICHAEL JAY BERGER

21 By: /s/Michael Jay Berger

22 Michael Jay Berger

23 *Proposed* Counsel Debtor-in-Possession,

24 Mr. Tortilla, Inc.
25
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Mr. Tortilla, Inc., the Debtor and Debtor-in-Possession herein (the “Debtor”) pays the payroll obligations to its 32 full-time and part-time employees on a weekly basis. Debtor’s insiders, Anthony Alcazar, Ronald Alcazar, and Anthony Alcazar Sr., are not on the payroll, receive 1099 compensation, and will follow the compensation guidelines under Local Bankruptcy Rule 2014-1(a)(3) before they are permitted to receive any compensation from the Debtor. Debtor seeks approval for the payroll period of February 12, 2024 to February 18, 2024 which payroll is to be issued on February 23, 2024. The total amount to be paid for this payroll period is approximately \$35,000. Attached to the Declaration of Anthony Alcazar (the “Alcazar Decl.”) as **Exhibit-1** is the staffing company invoice for all of the Debtor’s employees and the amount each employee received during the pre-petition payroll period of January 29, 2024 – February 4, 2024, and is the most recent payroll invoice available to Debtor. Debtor estimates the total weekly amount due to its employees to be approximately the same as that of January 29, 2024 – February 4, 2024 invoice.

In order to maintain employees’ morale, prevent employees from quitting, and continue operations, the Debtor recognizes the need to be able to pay the employees’ compensation and pre-petition expense reimbursement requests, if any. The Debtor believes that failure to timely pay its Employees’ Compensation will adversely affect its ability to retain its employees and to operate its business, and thereby frustrate its efforts to reorganize.

Thus, without this Court’s granting its approval of this Motion, the Debtor will lack authority to make any payments to the workers for Employees’ Compensation, which was earned and accrued pre-petition by the employees.¹ Procedural authorization

¹ The pay period subject to this motion includes pre-petition dates of February 12, 2024 – February 13, 2024 and post-petition dates of February 14, 2024 – February 18, 2024.

1 for an emergency hearing on the Motion is found in Local Bankruptcy Rules 9075 and
2 2081-1. The Debtor respectfully submits that, on the facts of this case, emergency relief
3 is both necessary and appropriate such that the Debtor's employees can get compensated
4 for the work done pre-petition.

5 By this Motion, Debtor seeks authority for payment of the Employees'
6 Compensation on the following terms and conditions:

- 7 1. Debtor will pay the Employees' Compensation only to the extent of the
8 \$13,650.00 priority limit per employee provided by Sections 507(a)(4) and
9 104 of the Bankruptcy Code. An estimate of such wage claims is attached
10 as **Exhibit "1"** to the Alcazar Declaration.
- 11 2. The Employees' Compensation will be paid to Employees who continue to
12 be employed by Debtor as of the date of the hearing on this Motion.

13 Debtor believes that paying the Employees' Compensation as described
14 hereinabove is necessary to protect and preserve Debtor's business and will not impair
15 the rights of any creditors in the case.

16 **II. GENERAL BACKGROUND FACTS**

17 On February 14, 2024 (the "Petition Date"), the Debtor commenced the Chapter
18 11 Case by filing a voluntary petition under chapter 11 of the Bankruptcy Code. The
19 Debtor operates its business and manage its property as a debtor in possession pursuant to
20 sections 1107(a) and 1108 of the Bankruptcy Code. No official committee of unsecured
21 creditors has been appointed in the Case.

22 The Debtor is a California corporation which is wholly owned by brothers
23 Anthony and Ronald Alcazar. The Debtor owns and operates a tortilla manufacturing and
24 food processing business located in San Fernando -- Mr. Tortilla -- which was started in
25 2012. Anthony owns 81% of the shares and is the President and CEO. Ronald owns 19%
26 of the shares and is the CFO.

1 The Debtor specializes in preparing traditional flour tortillas that are low fat, low
2 calorie, low sodium and are free of cholesterol and trans-fat; the tortillas are unique as
3 they are flexible and do not break or stick. Popular flavors include: Gourmet White;
4 Whole Wheat; Honey Wheat; Tomato & Basil; Savory Spinach; Chipotle; Jalapeño. In
5 addition to traditional flour tortillas, Debtor produces low-carbohydrate tortillas for low-
6 carb and keto dieters.

7 The Alcazar Brothers decided to start Mr. Tortilla as one of their fondest
8 childhood memories is that of their mother preparing flour tortillas on a flat griddle called
9 a comal. The Debtor sells its tortillas to distributors and wrap manufacturers, and through
10 online retailers such as Amazon.com and others. Debtor's product is the top selling
11 tortilla on Amazon.com.

12 The events precipitating the Debtor's current Chapter 11 bankruptcy include
13 Debtor's affiliated vendors, such as 8Fig, Inc., intercepting the Debtor's receivables.

14 Debtor has 32 full-time and part-time non-insider employees. Debtor pays these
15 employees through a staffing company, Lyneer Staffing Solutions ("Lyneer"). Lyneer
16 pays Debtor's employees, and sends an invoice to Debtor afterward. Lyneer has agreed to
17 continue working with Debtor post-petition. By this Motion, Debtor is seeking the
18 Court's approval to pay Lyneer for pre-petition payroll expenses accrued for the pay
19 period of February 12, 2024 through February 18, 2024.
20

21 22 **III. ARGUMENT**

23 **A. This Court Is Authorized To Allow The Debtor To Pay The Employee** 24 **Compensation**

25 Section 105(a) of the United States Bankruptcy Code empowers the Court to issue
26 any order, process, or judgment that is necessary or appropriate to carry out the
27 provisions of the Bankruptcy Code. 11 U.S.C. §105. The basic purpose of Section 105(a)
28 is "to enable the court to do whatever is necessary to aid in its jurisdiction, in anything

arising in or relating to a bankruptcy case." 2 Collier on Bankruptcy ¶ 105.02 at 105-4
(15th ed. 1988). Essentially, Section 105(a) codifies the bankruptcy court's inherent
equitable powers. *See, In re Feit & Drexler, Inc.*, 760 F.2d 406 (2d Cir. 1985).

Section 507(a)(4) of the Bankruptcy Code provides, in pertinent part, as follows:

(a) The following expenses and claims have priority in the following order:...

(4) Fourth, allowed unsecured claims, but only to the extent of \$12,475 [now
\$13,650.00] for each individual ... earned within 180 days before the date of the
filing of the petition ... for--

(A) wages, salaries, or commissions, including vacation, severance, and sick leave
pay earned by an individual;

11 U.S.C. § 507(a)(3).

As set forth above, Section 507(a)(4) affords priority status to unsecured claims
for wages, salaries or commissions, including vacation, severance, and sick leave pay
earned by an individual within 180 days before the filing of a bankruptcy petition to the
extent of \$13,650.00 for each such individual.

Bankruptcy courts have authorized debtors to pay pre-petition priority wage
claims as a means of allowing debtors to maintain their work force and thereby preserve
the debtor's ability to operate in the ordinary course, without the disruption of employee
defections.

"In the early days of this case, the court entered orders permitting the post-
petition payment of certain pre-petition wage and wage-related claims. As is often
the case in operating Chapter 11 cases, the court did this for two reasons. First, it
was necessary that Braniff pay its employees for work performed pre-petition if
the employees were to remain on the job post- petition. The filing of a bankruptcy
case presents many uncertainties for employees. If their pay is interrupted,
employees are obviously not going to remain on the job despite the fact that their
continuation in place is vitally important for the debtor.

Second, in any event, the pre-petition wages are subject to the priority of
Section 507(a)(3). Thus, in all but the direst of circumstances, the debtor will
ultimately pay the pre-petition wages because of their very high priority.
Accordingly, the court authorizes their payment early in the case rather than
requiring that the employees wait for payment at the end of the case."

1 *In re Braniff, Inc.*, 218 B.R. 628, 633 (Bankr.M.D.Fla. 1998). *See also Columbia Gas*,
2 171 B.R. 189, 191-92 (Bankr. D. Del. 1994); *In re Lehigh & New England Ry. Co.*, 657
3 F. 2d 570, 581 (3rd Cir. 1981); *Ionosphere Club*, 98 B.R. 175 (Bankr. S.D.N.Y. 1989). *In*
4 *re Structurlite Plastics Corp.*, (*Structurlite I*) 86 Bankr. 922, 932 (Bankr. S.D. Ohio
5 1988), citing *In re Chateaugay Corp.*, 80 Bankr. 279, 287 (S.D.N.Y. 1987); *See also In re*
6 *Columbia Packing Co.*, 35 Bankr. 447 (Bankr. D. Mass. 1983).

7
8 “Because wages are priority claims, courts have often permitted debtors to pay
9 prepetition wage claims in the ordinary course in response to a motion filed by a
10 debtor in possession at the commencement of a chapter 11 case. The ability to
11 ensure that the employees receive their unpaid prepetition salary and do not miss a
paycheck is critical to obtaining the stability necessary for the transition to
operating as a debtor in possession.”

12 Collier on Bankruptcy - 15th ed. Revised, ¶ 507.05[1] (2000).

13 The authority to make such payments was recognized by the Ninth Circuit in *In re*
14 *Adams Apple, Inc.*, 829 F.2d 1484 (9th Cir. 1987):

15
16 “[A]nother "fundamental tenet"--rehabilitation of debtors, which may supersede
17 the policy of equal treatment. Cases have permitted unequal treatment of pre-
18 petition debts when necessary for rehabilitation, in such contexts as (i) pre-petition
19 wages to key employees; (ii) hospital malpractice premiums incurred prior to
20 filing; (iii) debts to providers of unique and irreplaceable supplies; and (iv)
21 peripheral benefits under labor contracts. *See Ordin*, Case Comment, *In re Texlon*
22 *Corporation*, 596 F.2d 1092 (2d Cir.1979): Finality of Order of Bankruptcy Court,
54 Amer.Bankr.L.J. 173, 177 (1980). ... [I]t illustrates a Congressional
willingness to subordinate the interests of pre-petition creditors to the goal of
rehabilitation.”

23 *Adams Apple*, 829 F.2d at 1490.

24 In this case, without an order of this Court authorizing the Debtor to pay the pre-
25 petition Employees’ Compensation, there will be a severe risk that employees will leave
26 the Debtor, thereby jeopardizing the Debtor’s ability to maintain its operations and
27 reorganize its financial affairs.

28 **B. Debtor’s Relief is Justified on LBR 9075-1(a) and LBR 2081-1**

1 “[11:391] **PRACTICE POINTERS:** Critical Workers may leave unless they are paid on a
2 regular basis. Thus, unless the motion is promptly filed and granted, the DIP's continued
3 operations may be at risk. Consider the following:

4 • ***Coordinate petition filing with payroll due date:*** Time commencement of the
5 bankruptcy case so that it is filed immediately after the workers are paid their
6 weekly/biweekly wages. Or, have the debtor issue a special payroll so that all prepetition
wages are paid on the filing date.

7 • ***Request prepetition payroll checks to be honored by banks post-petition:*** Where
8 workers were paid prepetition wages by prepetition checks that have not been cashed by
9 the time the case is filed, move the court for an order that the DIP's bank may honor the
checks *postpetition*.”

10 Cal. Prac. Guide Bankruptcy Ch. 11-B.

11 Furthermore, pursuant to Local Bankruptcy Rule 2081-1(a)(6), the Motion must be
12 supported by evidence that establishes: (A) The employees are still employed; (B) The
13 necessity for payment; (C) The benefit of the procedures; (D) The prospect of
14 reorganization; (E) Whether the employees are insiders; (F) Whether the employees'
15 claim are within the limits established by 11 U.S.C. § 507; and (G) The payment will not
16 render the estate administratively insolvent.

17 Debtor addresses each of these factors if not previously discussed above.

18
19 **(a) Employees are Still Employed**

20 All the employees that are identified on Exhibit “1” are still employed by the
21 Debtor.

22 **(b) The Necessity of the Payment and (c) The Benefit of the Procedures**

23 As the Alcazar Declaration establishes, Debtor depends on its staff to carry on the
24 day-to-day operations of the Debtor who in turn rely on the Debtor to support themselves
25 and/or their families and are unlikely to continue working for the Debtor, if not paid. The
26 Debtor's business is run, managed, and operated by its 32 full-time and part-time
27 employees at the present time. These employees help with the day-to-day operation of
28

1 the business, which includes food product manufacturing, packaging, and sales. Without
2 them, the Debtor cannot operate its business.

3 It is the Debtor's opinion that payment of pre-petition wages is necessary to enable
4 the workers to pay their personal living expenses, and to retain their goodwill and
5 prospective services. In contrast, if such wages are not immediately paid, the Debtor
6 believes that some of the employees will terminate their employment with the Debtor and
7 seek other employment opportunities. If this occurs, revenue levels will decline
8 precipitously, especially if the Debtor's employees quit, reducing the value of the estate's
9 assets and impairing the rights of creditors. In contrast, if immediate relief is granted as
10 prayed herein, asset values will be preserved. Under these circumstances, granting relief
11 on an emergency basis is both necessary and appropriate.

12
13 **(d) Prospects of Reorganization**

14 Debtor is confident that it can emerge as a reorganized Debtor. Debtor's product is
15 the top-selling tortilla on Amazon.com and projects that its income will remain steady for
16 this year and years to come, thus supporting Debtor's efforts to reorganize.

17 **(e) Whether The Employees Are Insiders**

18 Debtor's payroll employees are not insiders of the Debtor. Debtor's insiders
19 receive compensation separately, and will follow the compensation guidelines under
20 Local Bankruptcy Rule 2014-1(a)(3) before they are permitted to receive any
21 compensation from the Debtor.

22 **(f) Whether the Employees' Claims are Within the Limits Established by 11**
23 **U.S.C. § 507**

24 As outlined in Exhibit "1", and attached hereto, each employee's claims are below
25 the limits established by 11 U.S.C. § 507. See **Exhibit "1"** attached to Alcazar
26 Declaration.

27 **(g) The Payment Will Not Render The Estate Administratively Insolvent.**
28

Debtor has/will have sufficient funds to pay its employees on February 23, 2024. Debtor currently has approximately \$40,000.00 in its possession. Debtor is working with counsel to have \$180,000.00 in receivables released to Debtor's accounts. Debtor's Emergency Cash Collateral Motion has been filed and is being heard concurrently with this Motion on February 22, 2024.

IV. CONCLUSION

Based upon the foregoing, Debtor respectfully requests that the Court grant the relief prayed for herein and authorize payment of pre-petition wages to Debtor's non-insider employees for the February 12, 2024 – February 18, 2024 pay period which is due to be issued on February 23, 2024.

Dated: 2/20/24

LAW OFFICES OF MICHAEL JAY BERGER

By: /s/Michael Jay Berger

Michael Jay Berger

Proposed Counsel for Debtor-in-Possession

Mr. Tortilla, Inc.

DECLARATION OF ANTHONY ALCAZAR

I, Anthony Alcazar, declare and state as follows:

1. I am the Chief Executive Officer of Mr. Tortilla, Inc. (the “Debtor”) herein. I have personal knowledge of the facts set forth below and if called to testify as to those facts, I could and would competently do so.

2. I make this declaration in support of Debtor’s Emergency Motion for Order Authorizing Payment of Pre-Petition Wages and Related Expenses (the “Motion”).

3. On February 14, 2024 (the “Petition Date”), the Debtor commenced the Chapter 11 Case by filing a voluntary petition under chapter 11 of the Bankruptcy Code. The Debtor operates its business and manage its property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No official committee of unsecured creditors has been appointed in the Case.

4. The Debtor is a California corporation which is wholly owned by myself and my brother, Ronald Alcazar. The Debtor owns and operates a tortilla manufacturing and food processing business located in San Fernando -- Mr. Tortilla -- which was started in 2012. I own 81% of the shares and I am the President and CEO. Ronald owns 19% of the shares and is the CFO.

5. The Debtor specializes in preparing traditional flour tortillas that are low fat, low calorie, low sodium and are free of cholesterol and trans-fat; the tortillas are unique as they are flexible and do not break or stick. Popular flavors include: Gourmet White; Whole Wheat; Honey Wheat; Tomato & Basil; Savory Spinach; Chipotle; Jalapeño. In addition to traditional flour tortillas, Debtor produces low-carbohydrate tortillas for low-carb and keto dieters.

6. My brother and I decided to start Mr. Tortilla as one of our fondest childhood memories is that of our mother preparing flour tortillas on a flat griddle called a comal. The Debtor sells its tortillas to distributors and wrap manufacturers, and through

1 online retailers such as Amazon.com and others. Debtor's product is the top selling
2 tortilla on Amazon.com.

3 7. The events precipitating the Debtor's current Chapter 11 bankruptcy
4 include Debtor's affiliated vendors, such as 8Fig, Inc., intercepting the Debtor's
5 receivables.

6 8. Debtor has 32 full-time and part-time non-insider employees. Debtor pays
7 these employees through a staffing company, Lyneer Staffing Solutions ("Lyneer").
8 Lyneer pays Debtor's employees, and sends an invoice to Debtor afterward. Lyneer has
9 agreed to continue working with Debtor post-petition. By this Motion, Debtor is seeking
10 the Court's approval to pay Lyneer for pre-petition payroll expenses accrued for the pay
11 period of February 12, 2024 through February 18, 2024.

12 9. Debtor pays the payroll obligations to its 32 full-time and part-time
13 employees on a weekly basis. Debtor's insiders, myself, Ronald Alcazar, and Anthony
14 Alcazar Sr., are not on the payroll, receive 1099 compensation, and will follow the
15 compensation guidelines under Local Bankruptcy Rule 2014-1(a)(3) before they are
16 permitted to receive any compensation from the Debtor. Debtor seeks approval for the
17 payroll period of February 12, 2024 to February 18, 2024 which payroll is to be issued on
18 February 23, 2024. The total amount to be paid for this payroll period is approximately
19 \$35,000. Attached to the Declaration of Anthony Alcazar (the "Alcazar Decl.") as
20 **Exhibit-1** is the staffing company invoice for all of the Debtor's employees and the
21 amount each employee received during the pre-petition payroll period of January 29,
22 2024 – February 4, 2024, and is the most recent payroll invoice available to Debtor.
23 Debtor estimates the total weekly amount due to its employees to be approximately the
24 same as that of January 29, 2024 – February 4, 2024 invoice.
25
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1 12. Debtor's insiders, including myself, will follow the compensation
2 guidelines under Local Bankruptcy Rule 2014-1(a)(3) before I am permitted to receive
3 any compensation from the Debtor.²

4 13. Debtor has/will have sufficient funds to pay its employees on February 23,
5 2024. Debtor currently has approximately \$40,000.00 in its possession. Debtor is
6 working with counsel to have \$180,000.00 in receivables released to Debtor's accounts.
7 Debtor's Emergency Cash Collateral Motion has been filed and is being heard
8 concurrently with this Motion on February 22, 2024.
9

10 I declare under penalty of perjury that the foregoing is true and correct and that
11 this declaration is executed on February 20, 2024 in San Fernando, California.
12

13 By: 
14 Anthony Alcazar, CEO of Debtor-in-Possession
15 Mr. Tortilla, Inc.
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28 ² Debtor's insiders also include Janice Alexander and Richard K. Alexander. However, they do not
receive any compensation from the Debtor.

EXHIBIT 1



Page: 1
Invoice #: 308512
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1104 Fulfillment
Anthony Alcazar
1104 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Mata, Loany	Fulfillment Associate \$16.75	Regular	40.00	\$21.78	\$871.00
Mata, Loany	Fulfillment Associate \$16.75	Overtime	7.37	\$32.66	\$240.72
Summary for Fulfillment Associate \$16.75					Subtotal: \$1,111.72
Reg Hours:	40.00	Reg Amount:	\$871.00		
OT Hours:	7.37	OT Amount:	\$240.72		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Aleman, Karla	Fulfillment Associate \$19.00	Regular	40.00	\$24.70	\$988.00
Aleman, Karla	Fulfillment Associate \$19.00	Overtime	6.90	\$37.05	\$255.65
Summary for Fulfillment Associate \$19.00					Subtotal: \$1,243.65
Reg Hours:	40.00	Reg Amount:	\$988.00		
OT Hours:	6.90	OT Amount:	\$255.65		
DT Hours:	0.00	DT Amount:	\$0.00		

Client: Mr. Tortilla, Inc.- 1104 Fulfillme
Invoice: 308512

Please include this page with your remittance
Remit to: Lyneer Staffing Solutions, LLC

Hours Summary	Amount Summary
Reg: 80.00	Reg: \$1,859.00
OT: 14.27	OT: \$496.37
DT: 0.00	DT: \$0.00
Total: 94.27	Total: \$2,355.37

	\$2,355.37
Sales Tax	\$0.00
Invoice Amount	\$2,355.37

\$
If the amount remitted is different from the
Amount Due, please explain on the reverse side.

Late fee of 1.5%/month will be
charged on all past due invoices



Page: 1
Invoice #: 308513
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1110 Office
Anthony Alcazar
1110 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Arellano, Hector	Accounts Payable and Receivable \$20.00	Regular	38.30	\$25.80	\$988.14
Arellano, Hector	Accounts Payable and Receivable \$20.00	Overtime	13.25	\$38.70	\$512.78
Summary for Accounts Payable and Receivable \$20.00					Subtotal: \$1,500.92
Reg Hours:	38.30	Reg Amount:	\$988.14		
OT Hours:	13.25	OT Amount:	\$512.78		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
wilde, Cassandra	Office Personnel- \$22.00	Regular	24.00	\$28.38	\$681.12
wilde, Cassandra	Office Personnel- \$22.00	Overtime	16.77	\$42.57	\$713.90
Summary for Office Personnel- \$22.00					Subtotal: \$1,395.02
Reg Hours:	24.00	Reg Amount:	\$681.12		
OT Hours:	16.77	OT Amount:	\$713.90		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Carrillo, Damian	Office Personnel- \$37.50	Regular	40.00	\$48.38	\$1,935.00
Summary for Office Personnel- \$37.50					Subtotal: \$1,935.00
Reg Hours:	40.00	Reg Amount:	\$1,935.00		
OT Hours:	0.00	OT Amount:	\$0.00		
DT Hours:	0.00	DT Amount:	\$0.00		



Page: 2
Invoice #: 308513
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1110 Office
Anthony Alcazar
1110 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Client: Mr. Tortilla, Inc.- 1110 Office
Invoice: 308513

Please include this page with your remittance
Remit to: Lyneer Staffing Solutions, LLC

Hours Summary		Amount Summary	
Reg:	102.30	Reg:	\$3,604.26
OT:	30.02	OT:	\$1,226.68
DT:	0.00	DT:	\$0.00
Total:	132.32	Total:	\$4,830.94

\$4,830.94

Sales Tax \$0.00

Invoice Amount \$4,830.94

\$

If the amount remitted is different from the
Amount Due, please explain on the reverse side.

Late fee of 1.5%/month will be
charged on all past due invoices



Page: 1
Invoice #: 308511
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1112 Production
Anthony Alcazar
1112 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Ortega, Alejandra	Manager \$27.00	Regular	40.00	\$35.10	\$1,404.00

Summary for Manager \$27.00

Subtotal: \$1,404.00

Reg Hours: 40.00 Reg Amount: \$1,404.00
OT Hours: 0.00 OT Amount: \$0.00
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Carlos, Alicia	Production Worker \$16.00	Regular	38.05	\$20.80	\$791.44
Celadita, Barbara	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Celadita, Barbara	Production Worker \$16.00	Overtime	7.37	\$31.20	\$229.94
CHAVARRY, DENISSE	Production Worker \$16.00	Regular	39.23	\$20.80	\$815.98
CHAVARRY, DENISSE	Production Worker \$16.00	Overtime	4.87	\$31.20	\$151.94
Gaytan Cantillano, Jordania	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Gaytan Cantillano, Jordania	Production Worker \$16.00	Overtime	1.72	\$31.20	\$53.66
Gomez, Ena	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Gomez, Ena	Production Worker \$16.00	Overtime	6.42	\$31.20	\$200.30
Gonzalez, Karla	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Gonzalez, Karla	Production Worker \$16.00	Overtime	4.10	\$31.20	\$127.92
Maldonado, Edgar	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Maldonado, Edgar	Production Worker \$16.00	Overtime	8.63	\$31.20	\$269.26
Martinez, Guillermo	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Martinez, Guillermo	Production Worker \$16.00	Overtime	4.18	\$31.20	\$130.42
pillaca, yacqueline	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
pillaca, yacqueline	Production Worker \$16.00	Overtime	5.23	\$31.20	\$163.18
Revolorio Zuniga, Gloria	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Revolorio Zuniga, Gloria	Production Worker \$16.00	Overtime	2.75	\$31.20	\$85.80
Torres Saravia, Xiomara	Production Worker \$16.00	Regular	40.00	\$20.80	\$832.00
Torres Saravia, Xiomara	Production Worker \$16.00	Overtime	5.27	\$31.20	\$164.42

Summary for Production Worker \$16.00

Subtotal: \$10,672.26

Reg Hours: 437.28 Reg Amount: \$9,095.42
OT Hours: 50.54 OT Amount: \$1,576.84
DT Hours: 0.00 DT Amount: \$0.00



Page: 2
Invoice #: 308511
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1112 Production
Anthony Alcazar
1112 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Garcia, Erika	Production Worker \$16.25	Regular	40.00	\$21.13	\$845.00
Garcia, Erika	Production Worker \$16.25	Overtime	0.37	\$31.69	\$11.72

Summary for Production Worker \$16.25

Subtotal: \$856.72

Reg Hours: 40.00 Reg Amount: \$845.00
OT Hours: 0.37 OT Amount: \$11.72
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Escobar, Ofelia	Production Worker \$16.50	Regular	32.00	\$21.45	\$686.40
Escobar, Ofelia	Production Worker \$16.50	Overtime	4.65	\$32.18	\$149.61

Summary for Production Worker \$16.50

Subtotal: \$836.01

Reg Hours: 32.00 Reg Amount: \$686.40
OT Hours: 4.65 OT Amount: \$149.61
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Leal Olivo, Aurora	Production Worker \$17.00	Regular	40.00	\$22.10	\$884.00
Leal Olivo, Aurora	Production Worker \$17.00	Overtime	7.90	\$33.15	\$261.89
Lopez, Cynthia	Production Worker \$17.00	Regular	37.22	\$22.10	\$822.56
Lopez, Cynthia	Production Worker \$17.00	Overtime	5.38	\$33.15	\$178.35
Rios, Maria	Production Worker \$17.00	Regular	20.00	\$22.10	\$442.00

Summary for Production Worker \$17.00

Subtotal: \$2,588.80

Reg Hours: 97.22 Reg Amount: \$2,148.56
OT Hours: 13.28 OT Amount: \$440.24
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Alanis, Sandra	Production Worker \$17.25	Regular	40.00	\$22.43	\$897.00
Alanis, Sandra	Production Worker \$17.25	Overtime	3.08	\$33.64	\$103.60



Page: 3
Invoice #: 308511
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1112 Production
Anthony Alcazar
1112 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

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For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Summary for Production Worker \$17.25				Subtotal:	\$1,000.60
Reg Hours:	40.00	Reg Amount:	\$897.00		
OT Hours:	3.08	OT Amount:	\$103.60		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Vasquez, Lorena	Production Worker \$17.75	Regular	36.32	\$23.08	\$838.08
Vasquez, Lorena	Production Worker \$17.75	Overtime	4.18	\$34.61	\$144.68

Summary for Production Worker \$17.75				Subtotal:	\$982.76
Reg Hours:	36.32	Reg Amount:	\$838.08		
OT Hours:	4.18	OT Amount:	\$144.68		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Hernandez, Maria	Production Worker \$18.00	Regular	31.97	\$23.40	\$748.10
Hernandez, Maria	Production Worker \$18.00	Overtime	1.15	\$35.10	\$40.37

Summary for Production Worker \$18.00				Subtotal:	\$788.47
Reg Hours:	31.97	Reg Amount:	\$748.10		
OT Hours:	1.15	OT Amount:	\$40.37		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Angon, Natividad	Production Worker \$18.75	Regular	39.93	\$24.38	\$973.29
Angon, Natividad	Production Worker \$18.75	Overtime	9.05	\$36.56	\$330.89
Merino Dominguez, Maura	Production Worker \$18.75	Regular	40.00	\$24.38	\$975.00
Merino Dominguez, Maura	Production Worker \$18.75	Overtime	5.43	\$36.56	\$198.53

Summary for Production Worker \$18.75				Subtotal:	\$2,477.71
Reg Hours:	79.93	Reg Amount:	\$1,948.29		
OT Hours:	14.48	OT Amount:	\$529.42		
DT Hours:	0.00	DT Amount:	\$0.00		

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Francisco Sanchez, Agustin	Production Worker \$19.00	Regular	40.00	\$24.70	\$988.00
Francisco Sanchez, Agustin	Production Worker \$19.00	Overtime	10.52	\$37.05	\$389.77



Page: 4
Invoice #: 308511
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1112 Production
Anthony Alcazar
1112 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

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For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Maldonado, Maria	Production Worker \$19.00	Regular	40.00	\$24.70	\$988.00
Maldonado, Maria	Production Worker \$19.00	Overtime	8.40	\$37.05	\$311.22

Summary for Production Worker \$19.00

Subtotal: \$2,676.99

Reg Hours: 80.00 Reg Amount: \$1,976.00
OT Hours: 18.92 OT Amount: \$700.99
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Francisco Sanchez, Javier	Production Worker \$20.00	Regular	40.00	\$26.00	\$1,040.00
Francisco Sanchez, Javier	Production Worker \$20.00	Overtime	23.48	\$39.00	\$915.72
LOPEZ GONZALEZ, MARIA	Production Worker \$20.00	Regular	40.00	\$26.00	\$1,040.00
LOPEZ GONZALEZ, MARIA	Production Worker \$20.00	Overtime	7.98	\$39.00	\$311.22

Summary for Production Worker \$20.00

Subtotal: \$3,306.94

Reg Hours: 80.00 Reg Amount: \$2,080.00
OT Hours: 31.46 OT Amount: \$1,226.94
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Pineda, Sergio	Production Worker \$22.00	Regular	24.00	\$28.60	\$686.40
Pineda, Sergio	Production Worker \$22.00	Overtime	4.02	\$42.90	\$172.46

Summary for Production Worker \$22.00

Subtotal: \$858.86

Reg Hours: 24.00 Reg Amount: \$686.40
OT Hours: 4.02 OT Amount: \$172.46
DT Hours: 0.00 DT Amount: \$0.00

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Guarneros Gomez, Ramiro	Production Worker \$26.00	Regular	22.50	\$33.80	\$760.50
Guarneros Gomez, Ramiro	Production Worker \$26.00	Overtime	20.24	\$50.70	\$1,026.17

Summary for Production Worker \$26.00

Subtotal: \$1,786.67

Reg Hours: 22.50 Reg Amount: \$760.50
OT Hours: 20.24 OT Amount: \$1,026.17
DT Hours: 0.00 DT Amount: \$0.00



Page: 5
Invoice #: 308511
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 1112 Production
Anthony Alcazar
1112 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Client: Mr. Tortilla, Inc.- 1112 Product
Invoice: 308511

Please include this page with your remittance
Remit to: Lyneer Staffing Solutions, LLC

Hours Summary		Amount Summary	
Reg:	1,041.22	Reg:	\$24,113.75
OT:	166.37	OT:	\$6,123.04
DT:	0.00	DT:	\$0.00
Total:	1,207.59	Total:	\$30,236.79

\$30,236.79

Sales Tax \$0.00

Invoice Amount \$30,236.79

\$

If the amount remitted is different from the
Amount Due, please explain on the reverse side.

Late fee of 1.5%/month will be
charged on all past due invoices



Page: 1
Invoice #: 308557
Invoice date: 02/06/2024
Pay Period: 1/29/2024 to 2/4/2024

Customer: Mr. Tortilla, Inc.- 8134 Lankershim
Mr. Tortilla, Inc.
1110 Arroyo St.
San Fernando, CA 91340

Remit To: Lyneer Staffing
PO Box 88911
Milwaukee, WI 53288-8911

To Pay Your Invoice Online by ACH Please [Click Here.](#)

For billing questions please call 609-883-6884

Payment due by 04/06/2024.

Employee Name	PO: Position	Type	Hours	Rate	Extended Bill
Campos, Miguel	Production Worker \$16.00	Regular	32.00	\$20.80	\$665.60
Campos, Miguel	Production Worker \$16.00	Overtime	4.42	\$31.20	\$137.90
centeno, erick	Production Worker \$16.00	Regular	32.00	\$20.80	\$665.60
centeno, erick	Production Worker \$16.00	Overtime	4.42	\$31.20	\$137.90
Summary for Production Worker \$16.00					Subtotal: \$1,607.00
Reg Hours:	64.00	Reg Amount:	\$1,331.20		
OT Hours:	8.84	OT Amount:	\$275.80		
DT Hours:	0.00	DT Amount:	\$0.00		

Client: Mr. Tortilla, Inc.- 8134 Lankershim
Invoice: 308557

Please include this page with your remittance
Remit to: Lyneer Staffing Solutions, LLC

Hours Summary	Amount Summary
Reg: 64.00	Reg: \$1,331.20
OT: 8.84	OT: \$275.80
DT: 0.00	DT: \$0.00
Total: 72.84	Total: \$1,607.00

\$1,607.00

Sales Tax \$0.00

Invoice Amount \$1,607.00

\$
If the amount remitted is different from the
Amount Due, please explain on the reverse side.

Late fee of 1.5%/month will be
charged on all past due invoices

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Blvd., 6th Fl., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **DEBTOR'S EMERGENCY MOTION FOR ORDER AUTHORIZING PAYMENT OF PRE-PETITION WAGES AND RELATED EXPENSES; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ANTHONY ALCAZAR IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 2/20/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Proposed Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforruptcy.com
U.S. Trustee: Katherine Bunker kate.bunker@usdoj.gov
United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 2/20/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Victoria Kaufman
United States Bankruptcy Court
Central District of California
21041 Burbank Boulevard, Suite 354 / Courtroom 301
Woodland Hills, CA 91367 United States Bankruptcy Court

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/20/2024
Date

Yathida Nipha
Printed Name

/s/Yathida Nipha
Signature

3. Served by Email:

U.S. Trustee:
Katherine Bunker
kate.bunker@usdoj.gov

SECURED CREDITORS:

8FIG Advance
Attn: Legal Dept.
legal@8fig.com

Amazon Capital Services:
Attn: Lauren Dorsett & Michael Gearin
laurendorsett@dwt.com
mike.gearin@klgates.com

Blue Bridge Financial
Attn: Legal Dept.
Legal@bluebridgefinancial.com

Bluevine
Attn: Officer
Support@bluevine.com

Cedar Advance
Attn: Simon Cedar
simon@cedaradvance.com

Corporation Service Company
SPRFiling@cscglobal.com

CT Corporation
uccfilingreturn@wolterskluwer.com

Fasanara Securitisation S.A. Acting
info@northdata.com

Financial Pacific Leasing
Attn: Allison Sweet
ASweet@FinPac.com

First Corporate Resolution
SPRS@FICOSO.COM

Huntington Valley Bank
Attn: Erin

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

erin@braavobank.com

Mercury Capital
info@mcadv.com

Metropolitan Capital Bank & Trust
Attn: Jeffrey Brown
rrabin@thompsoncoburn.com ; jbrown@thompsoncoburn.com

Parkside Funding Group LLC
Attn: Adriana Harris
Adriana@nomasrecovery.com

Partners Personnel Management Services, LLC
Attn: Cherly Canty
CCanty@espererholdings.com

Robert Reiser and Company
uccfilingreturn@wolterskluwer.com

Sand Park Capital
Attn: Simon Cedar
simon@cedaradvance.com

Sellers Funding
Attn: Officer
osaro@sellersfi.com

Shopify Capital
Legal@bluebridgefinancial.com

Slope Advance
Attn: Ashish Jain
ashish@slope.com

Spartan Capital
Attn: Jason Gang
jason@jasongang.com

Stor RB One Limited
uccfilingreturn@wolterskluwer.com

U.S. Business Administration
Attn: Elan Levey
elan.levey@usdoj.gov

20 LARGEST UNSECURED CREDITORS

Easy Post

Attn: Dustin Henrie

dhenrie@easypost.com

Facebook

Attn: Anthony Miller

Anthony.Miller@radiusgs.com

Fleetcor Technologies Inc.

Attn: Officer

PartnerServices@FleetCor.com

Greenberg Traurig

Attn: Reid Hockaday

hockadayr@gtlaw.com

IRS

Attn: Officer

Irs.gov.website.helpdesk@speedymail.com

Lyneer Staffing

Attn: Billing Dept.

billing@lyneer.com

Parker Group Inc.

Attn: Larry Nessenson, Esq.

lnessenson@jaffeandasher.com

Ramp

Attn: Officer

communications@ramp.com

Jeeves

Terry@tryjeeves.com

Southern California Edison

netbill@sce.com

UPS

Attn: Mary Kay

MaryKay.Pallas@iqor.com

We Pack it All

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Taboola
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